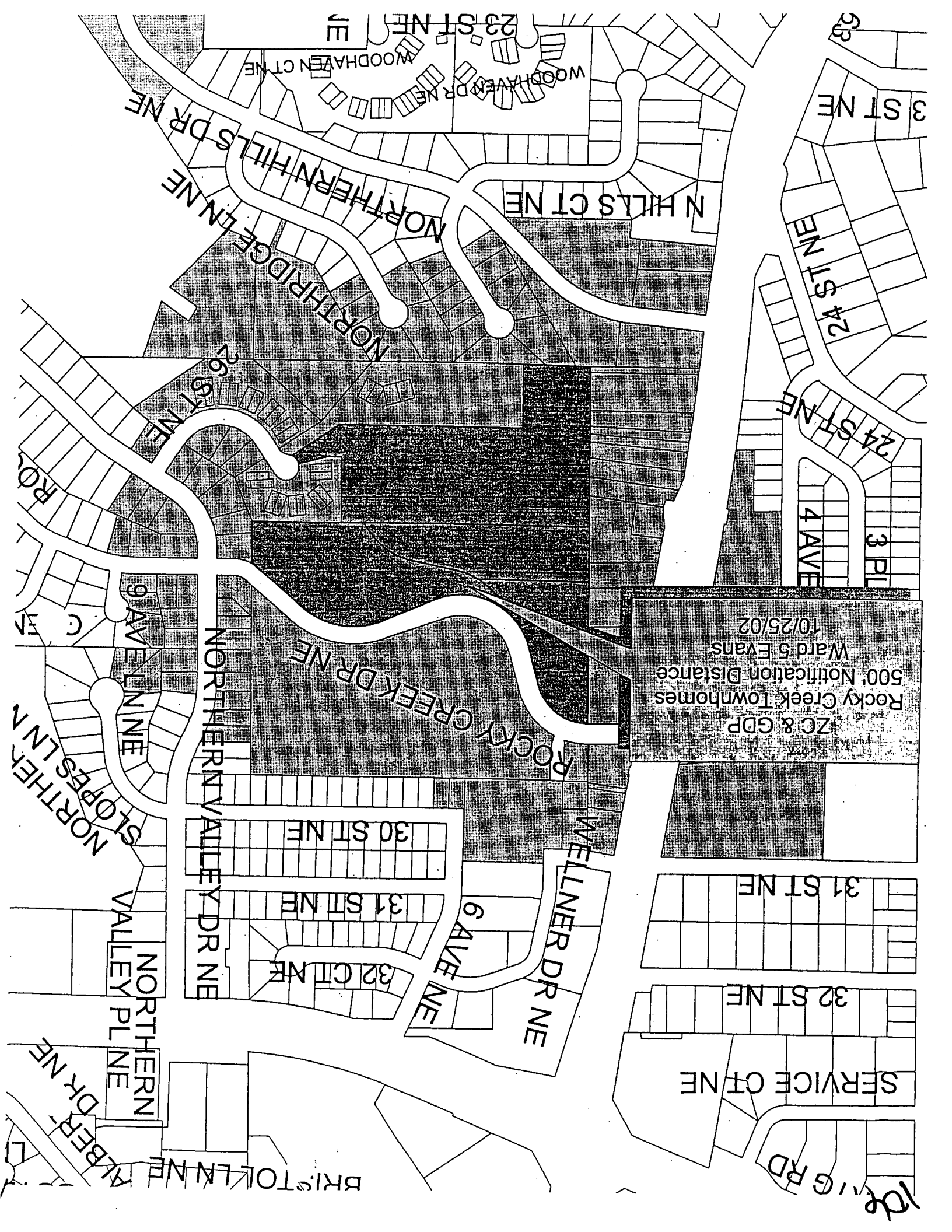


# REQUEST FOR COUNCIL ACTION

105  
MEETING

DATE: 1-06-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-2</b>
ITEM DESCRIPTION: Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26 <sup>th</sup> Street NE.		PREPARED BY: Brent Svenby, Planner
December 31, 2002		
<b><u>City Planning and Zoning Commission Recommendation:</u></b>		
<p>The City Planning and Zoning Commission held a public hearing on December 11, 2002 to consider this zone change. The Commission also reviewed a GDP for the property.</p> <p>The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended approval, with staff suggested findings included in the staff report.</p> <p><b>Motion by Ms. Petersson, seconded by Mr. Quinn to recommend approval of Zoning District Amendment #02-13, with staff-recommended findings. Motion carried 7-0, with Ms. Wiesner abstaining.</b></p>		
<b><u>Planning Staff Recommendation:</u></b>		
See attached revised staff report dated December 6, 2002.		
<b><u>Council Action Needed:</u></b>		
<b><i>If the Council wishes to proceed with the zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning District.</i></b>		
<b><u>Attachments:</u></b>		
<ol style="list-style-type: none"><li>1. Revised Staff Report dated December 6, 2002</li><li>2. Minutes of the December 11, 2002 CPZC Meeting</li></ol>		
<b><u>Distribution:</u></b>		
<ol style="list-style-type: none"><li>1. City Administrator</li><li>2. City Attorney: Legal Description attached</li><li>3. Planning Department File</li><li>4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, January 6, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.</li><li>5. Yaggy Colby Associates</li></ol>		
<b>COUNCIL ACTION:</b>		
Motion By: _____ Seconded By: _____ Action: _____		



ZC & GDP  
Rocky Creek Townhomes  
500' Notification Distance  
Ward 5 Evans  
10/25/02



**ENGINEERS • ARCHITECTS  
SURVEYORS • PLANNERS  
LANDSCAPE ARCHITECTS**

**717 THIRD AVENUE SOUTHEAST  
ROCHESTER, MINNESOTA 55904**  
507-281 5444  
FAX 507-281 5856  
EMAIL [BUS@TACCT.COM](mailto:BUS@TACCT.COM)

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

TYPE NAME HERE

NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

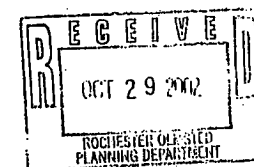
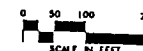
ROCKY CREEK TOWNHOMES  
ROCHESTER, MINNESOTA

## ZONE CHANGE

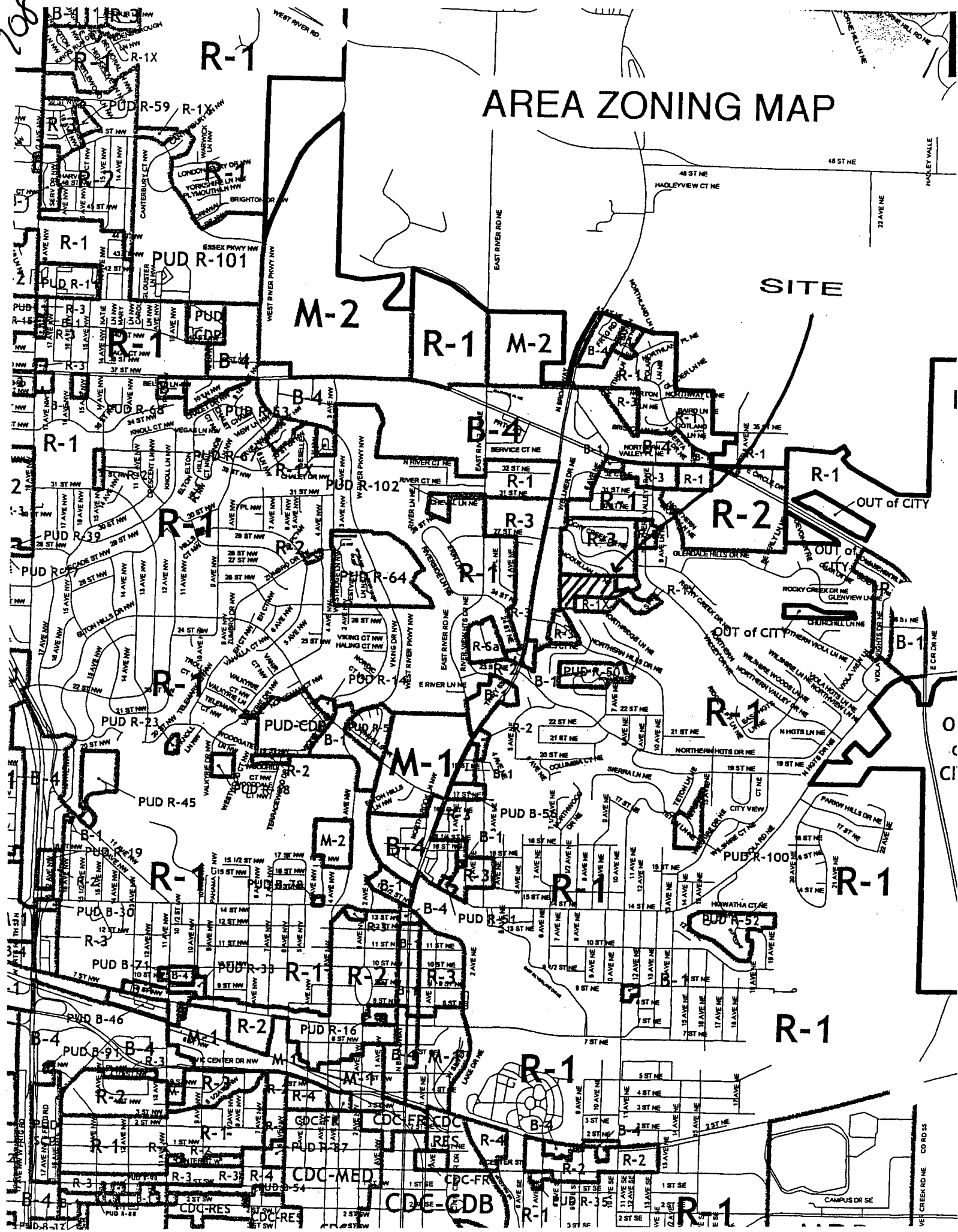
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DATE 10/28/02  
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CHECKED BY KD  
REVISIONS

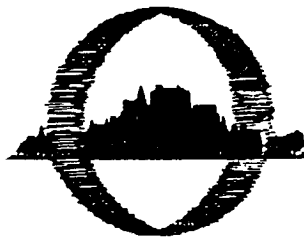
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1  
ONE



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# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO:** City Planning and Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** December 6, 2002

**RE:** Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26<sup>th</sup> Street NE.

**Planning Department Review:**

**Petitioner:**

Kendal Group  
4513 Milky Way Road  
Waukesha, WI 53186

**Consultant:**

Yaggy Colby Associates  
717 Third Ave. SE  
Rochester, MN 55904

**Location of Property:**

The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26<sup>th</sup> Street NE.

**Requested Action:**

The applicant requests 10.6 acres of land be re-zoned from R-1 to R-1X (Mix Single Family Extra). The property is Lot 2, Block 1 Glendale 2<sup>nd</sup> Subdivision.

**Existing Land Use:**

The property is currently platted but undeveloped and is designated for "low density residential" types of uses on the Rochester Urban Service Area Land Use Plan.

**Proposed Land Use:**

According to the GDP application submitted with the zone change request, the applicant intends to develop the site with townhomes. The GDP also includes the property to the north (Lots 1 & 2, Block 2 and Lot 1, Block 3 Rocky Creek First Subdivision. The property to the north is zoned R-3 (Medium Density Residential. This portion of the property would be developed with townhomes and a multi-family residential building.

**Adjacent Land Use and Zoning:**

North: Undeveloped property zoned R-3 (Medium Density Residential) and is proposed to be development with townhomes and a multi-family



dwelling.

South: Glenview Townhomes zoned R-1X (Mixed Single Family Extra).

East: Townhomes of Glendale zoned R-1X (Mixed Single Family Extra).

West: Developed property zoned B-4 (General Commercial).

**Transportation Access:**

Access to this property would be from 26<sup>th</sup> Street NE and Rocky Creek Drive NE. According to the GDP the development would be served from private roadways off of these streets.

**Wetlands:**

According to the Olmsted County Soil Survey, hydric soils exist on the site. The applicant received an exemption, on November 5, 2002, for the .75 acres of wetlands found on the property. The determination was made that the wetlands are incidental and were caused by the long history of mining and soil stripping on the property.

**Neighborhood Meeting:**

A neighborhood meeting was held on Tuesday, November 12, 2002. A summary of that meeting is enclosed.

**Referral Comments:**

1. Attached to General Development Plan #193 to be known as Rocky Creek Townhomes

**Report Attachments:**

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary

**Analysis for Zoning District Amendment:**

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
  - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
  - b) The area was originally zoned erroneously due to a technical or administrative error;
  - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter

3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan;  
or

- d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

***Finding for Proposed R-1X:*** The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "low density residential" types of uses. Uses within the R-1X zoning district would be consistent with the current land use designation "low density residential". Rezoning this property would help further the policies and goals found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, which encourage developing a range of densities and development styles. The re-zoning would also help to further goals and policies found within Chapter 3 of the Housing Plan to increase the supply of housing.

- 2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

- a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

***Finding for Proposed R-1X:*** Uses within the R-1X Zoning District would be appropriate on the property and compatible with adjacent properties. According to the City of Rochester Zoning Ordinance, the R-1X zoning district is intended to maintain and promote areas of relatively low residential density where the emphasis is generally on the development of one-family dwellings of various styles designed to meet the housing needs of the complete range of one-family households.

- b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

***Findings for Proposed R-1X:*** The amendment to R-1X would be consistent with the Rochester Urban Service Area Land Use Plan designation for this property as "low density residential" and would not be considered spot zoning. Uses within the R-1X district would be appropriate on the subject property and would be compatible with adjacent properties and the neighborhood.

### **Staff Recommendation:**

The ability to consider the Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan for this site and the findings above, Staff recommends approval to rezone approximately 10.6 acres from the R-1 (Mixed Single Family) to R-1X (Mixed Single Family Extra) zoning district.

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ENGINEERS

ARCHITECTS

SURVEYORS



November 14, 2002

Ms. Mitzi Baker  
Rochester-Olmsted Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

**RE: Neighborhood Meeting Summary  
Rocky Creek Townhomes, R-1x Zone Change, & General Development Plan**

LANDSCAPE ARCHITECTS

PLANNERS

Dear Ms. Baker:

A neighborhood meeting was held November 12, 2002 at Hover Elementary School regarding the proposed Rocky Creek Townhomes project, Zone Change to R-1x, and the General Development Plan (GDP). Approximately 25 people were in attendance (please see attached sign-in sheet). A preliminary site plan was displayed showing the proposed townhome development, four-story condo/apartment building and the zone change area. Also photographs of townhomes from like projects the developer has completed were displayed. The future use of the property was discussed, as well as individual neighbor's questions and concerns.

ROCHESTER OFFICE:

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507 288-5058

The zone change from an R-1 zoning to an R-1x, for the purposes of constructing townhomes, was received fairly well. A couple of neighbors were concerned if the townhomes would be owner occupied. It was stated that the townhomes would be owner occupied and the four-story building may be apartments or condominium properties, depending on market conditions at the time of completion. Questions were asked in regards to projected cost of the townhomes. The developer, Ken Miller, stated the twin units would be \$200,000 plus, and the eight unit building would be roughly \$150,000.

The allowed uses within an R-1x Zoning were discussed. Some question were raised in respect to traffic. It was explained that most of the traffic would likely exit directly to Rocky Creek Drive, and not go through the existing neighborhood. The neighbors suggested that no parking should be allowed on Rocky Creek Drive. We stated that the city will investigate and make a decision on the no-parking, if traffic and safety justify. Neighbors were concerned about construction traffic. The developer stated that all construction traffic would come directly from Rocky Creek Drive and not through the existing neighborhood. The neighbors appeared comfortable with the proposed development on this property.

MPLS/ST PAUL OFFICE:

651-681-9040

MASON CITY OFFICE:

641-424-6344

If you have any questions or concerns, please call.

Sincerely,

**YAGGY COLBY ASSOCIATES**

A handwritten signature in black ink, appearing to read 'Dale R. Allen'.

Dale R. Allen PE  
Principal

DELAFIELD OFFICE:

262-646-6855

DRA:bsd  
YCA #7784

Attachment

Equal Opportunity Employer

yaggy.com





ENGINEERS

ARCHITECTS

SURVEYORS

LANDSCAPE  
ARCHITECTS

PLANNERS

PROJECT

PREPARED BY

CHECKED BY

SHEET NO.

PROJECT #

DATE

DATE

OF

113

# ROCKY CREEK TOWN HOMES NEIGHBORHOOD MEETING

NAME

ADDRESS

PHONE

Phyllis Stadelman	780 26th ST NE	281-2171
Helen Greenman	784 26th ST NE	282-3378
Richard Kern	798 26th ST NE	281-1234
Leon Andrist	783 26th ST NE	252-5031
Ellie Andrist	783 26th ST NE	252-5031
Bill Sipple	778 26th ST NE	288-8448
Natalie Klein	810 N.E. 26th ST	282-3527
John Rute	812 26th ST NE	288-6732
Al Southwick	824 26th ST NE	252-8326
BE WIESEN	2719 NORTHERN VALLEY DR NE	289-7992
Wendy MLENNIBEN	" " " "	289-7992
Larry Prince	904 No. Valley Dr NE	289-0289
Kathy Mann	2807 No. Valley Dr. NE	285-9926
Mary Schuman	784 26th ST NE	289-2070
Bob Scher	800 26th ST NE	282-6198
Don Watterlin	911 NORTHERN VALLEY DR NE	285-0678
Mike Wenzel	809 26th ST NE	285-0792
Jo Grubisco	2580 Northridge LN NE	282-7600
John Seimer	793 26th ST NE	282-7037
Dore Wenzel	2115 9th Ave NE	282-6564
Vicki Schumann	787 26th ST NE	289-2070
PAT CUMMINGS	781 26th ST NE	288-6701
KEN MILLER	4513 MILKY WAY RD. WAUKESHA	262-548-0222
PAUL O'Connell	3735 Willow Hts Dr SW	507-254-0792
Gary Lusk	609 Monmouth Dr	761-0261
Bill Reel	P.O. Box 5945 TROOSTS	254-1623

Mr. Staver stated that the applicant submitted a letter requesting that the items be continued to January 8, 2003.

**Ms. Petersson moved to continue Land Use Plan Amendment #02-06, Zoning District Amendment #02-15, and General Development Plan #195 by Mark Leitzen to January 8, 2003. Mr. Ohly seconded the motion. The motion carried 8-0.**

Mr. Burke asked why the applicant requested the items to be continued.

Mr. Svenby responded that the consultant needed additional time to work with staff on some items.

General Development Plan #193 to be known as Rocky Creek Townhomes, Design Modification #02-12 and Zoning District Amendment #02-13 by Kendal Group. The applicant is proposing to develop 22.86 acres of land with townhomes and uses permitted in the R-3 zoning district. The development would be served by private roadways. The applicant is also proposing to re-zone 10.6 acres from the R-1 (Mixed Single Family) district to the R-1x (Mixed Single Family Extra) zoning district to allow for townhomes. The remaining 12.26 acres is zoned R-3 (Medium Density Residential). The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a design modification to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26<sup>th</sup> Street NE.

Mr. Brent Svenby presented the staff reports, dated December 6, 2002, to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that a meeting was held today with the Park and Recreation Department and the applicant's consultant to discuss the addition of a tot lot to the general development plan. He explained that the applicant would provide the revised plan to the Rochester-Olmsted Planning Department prior to the City Council meeting.

Mr. Svenby explained that, after further review of the Ordinance, staff concluded that the applicant needed a variance to the access spacing standards instead of a design modification. Therefore, he asked the Commission not to act on the design modification and explained that the variance would be heard before the City Council.

The applicant's representative Mr. Dale Allen, of Yaggy Colby Associates (717 Third Avenue SE, Rochester MN) addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions. He also stated that the applicant agrees to provide a tot lot park space on the general development plan.

Mr. Burke asked if there would be any type of restriction to access 26<sup>th</sup> Street NE to focus the direction of traffic to Rocky Creek Drive.

Mr. Allen responded that the main concern is construction traffic. It was explained to neighbors that they plan to direct all construction traffic north and not onto 26<sup>th</sup> Street NE.

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Mr. John Stadelman, of 780 26<sup>th</sup> Street NE, Rochester MN, addressed the Commission. He asked if it was necessary to have two accesses into the development.

Ms. Petersson responded yes for fire safety.

Mr. Stadelman stated that many people did not understand what the R-1x zoning district consisted of. He asked if any other structures could be put in the development besides townhomes. He expressed concern with the possibility of manufactured homes being allowed in the development.

Mr. Staver explained that townhomes and duplexes would be allowed. He explained that 4-plexes would not be allowed.

Mr. Stadelman questioned if a trailer park could be located within the development.

Mr. Svenby responded that single-family attached or detached, duplexes, and townhomes would be allowed within the development.

Mr. Svenby explained that a conditional use permit would be required if they applicant wished to construct a manufactured home park. The request of a conditional use permit would initiate a public review process; at which time the neighboring properties would be notified.

Mr. Stadelman explained that a swale was presently located west of his property to drain standing water. He indicated that part of the swale is located on the proposed development. He expressed concern that buildings could be located on the swale.

Mr. Staver explained that there would be a grading plan submitted and reviewed.

Mr. Allen stated that he spoke with Mr. Stadelman today. He stated that he would contact Mr. Stadelman once they get to the design stage.

Mr. Stadelman stated that his main concern is what type of structures could be built. He also expressed concern with where snow would be piled within the development. He asked if there was a service by the City to haul the snow from the cul-de-sac.

Mr. Staver explained that he would need to speak with City Public Works.

Mr. Burke stated that he would probably have to contact a private hauler to haul the snow from their driveways.

Mr. Staver suggested that Mr. Stadelman speak with his Council representative if it becomes a problem.

Mr. Ray Kim, of 2577 Northridge Lane NE, Rochester MN, addressed the Commission. He thanked the Commission for providing information on the internet. He stated that the R-1x zoning district is not consistent with the neighborhood. He stated that he did not want manufactured homes built in the area. He asked if the Commission could recommend R-1x, but to not allow manufactured homes in their recommendation.

Mr. Staver responded that the Commission does not know what the applicant proposes to build at this time. However, if the applicant wanted to construct a manufactured home park, they would need to apply for a conditional use permit and go through a public review process again.

Ms. Natalie Kline, of 810 26<sup>th</sup> Street NE, Rochester MN, addressed the Commission. She stated that it was her understanding that the pond would be privately owned and maintained. She expressed concern with regard to standing water attracting insects. She asked if there was any type of enforcement or penalty if they do not take care of the stagnant water.

Mr. Svenby responded that the pond would need to be designed according to City standards. He explained that the pond would be designed to hold water throughout the year, just like other ponds within the City.

Ms. Petersson stated that she had not heard of many problems in other areas with ponds.

Mr. Allen explained that it would be a wet pond. However, the pond will recharge and should not have insect problems. He stated that there is probably standing water there at the present time.

Mr. Staver explained that there are a number of ponds within the City that get recharged during rain events.

Ms. Kline expressed concern with traffic on Rocky Creek Drive. She stated that it was only a two-lane road. She asked if the City could make sure that there was no parking along the roadway.

Mr. Staver asked if the roadway is currently posted no parking.

Ms. Kline responded only part way.

Mr. Svenby explained that, as more traffic develops in the area, traffic engineers would look into the issue.

Mr. Staver stated that, if it became a problem, it could be posted.

Mr. Svenby stated that there was a secondary access requirement once there are 500 daily trips.

Mr. Larry Prince, of 904 Northern Valley Drive N, Rochester MN, addressed the Commission. He asked if the substantial land alteration would be limited to the area that was outlined in the presentation.

Mr. Staver responded yes.

Mr. Burke stated that all of the material that would be removed would be kept on site.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

**Ms. Petersson moved to recommend approval of Zoning District Amendment #02-13 by the Kendal Group with staff-recommended findings. Mr. Quinn seconded the motion.**

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The motion carried 7-0, with Ms. Wiesner abstaining.

Ms. Petersson moved to recommend approval of General Development Plan #193 to be known as Rocky Creek Townhomes by the Kendal Group based on staff recommended findings, conditions, and with the applicant providing updated plans as discussed with the Park and Recreation Department to staff prior to the City Council meeting. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

**CONDITIONS:**

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.
4. If the variance is not granted to the access spacing standards for the private roadway location to 26<sup>th</sup> Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.
5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.

Ms. Petersson moved to recommend approval of the substantial land alterations for the Kendall Group based on staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

~~Text Amendment #82-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.~~

Mr. John Harford presented the staff report, dated October 31, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

